

## Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 AID-05 CEA-01 CIAE-00

COME-00 EA-07 FRB-03 INR-07 IO-13 NEA-10 NSAE-00

USIA-06 OPIC-03 SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01

OMB-01 FMC-01 /088 R

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EUR/CE:RCASAGRANDE  
EUR/NE:EBEIGEL  
EUR/NE:NACHILLES  
EUR/NE:RWOODS

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P 101535Z AUG 76  
FM SECSTATE WASHDC  
TO AMEMBASSY BONN PRIORITY  
AMEMBASSY BRUSSELS PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
AMEMBASSY STOCKHOLM PRIORITY  
USMISSION USBERLIN PRIORITY  
USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: ETRD, WG, BE, UK, SW, NL, FR, OECD

SUBJECT: ANTITRUST: FOREIGN OCEAN CARRIERS

REF: A) 75 STATE 196682 (NOTAL); B) STATE 3840 (NOTAL);  
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C) STATE 54344 (NOTAL)

1. REFTELS NOTIFIED MOST ADDRESSEES OF DEPARTMENT OF JUSTICE'S (DOJ) ANTITRUST INVESTIGATION AND SUBSEQUENT FOLLOW-UP ACTIONS AS THEY PERTAINED TO CERTAIN OCEAN CARRIERS CARRYING ALCOHOLIC BEVERAGES FROM EUROPE TO THE U.S.
2. BASED ON THIS INVESTIGATION DOJ HAS DECIDED TO SEEK GRAND JURY REVIEW OF CONDUCT OF U.S. AND FOREIGN OCEAN CARRIERS AS IT RELATES NOT ONLY TO IMPORTATION OF ALCOHOLIC BEVERAGES FROM EUROPE, BUT TO OTHER FREIGHT TRANSPORTED BETWEEN EUROPE AND THE US IN BOTH DIRECTIONS. DOJ INDICATES THAT THE OCEAN CARRIERS MAY BE CONSPIRING TOGETHER AND WITH OTHERS, INCLUDING FOREIGN NATIONALS, TO FIX RATES AND MONOPOLIZE RELEVANT TRADE IN VIOLATION OF SECTIONS 1 AND 2 OF THE SHERMAN ACT. THEIR AGREEMENTS MAY HAVE THE EFFECT OF ELIMINATING COMPETITION AMONG THEMSELVES AND WITH OTHER CARRIERS. CONDUCT TO BE INVESTIGATED INVOLVES ACTIONS NOT APPROVED BY THE U.S. FEDERAL MARITIME COMMISSION OR, TO THE KNOWLEDGE OF DOJ, ANY OTHER U.S. GOVERNMENTAL BODY.
3. CONSEQUENTLY, DOJ PROPOSES TO ISSUE GRAND JURY SUBPOENAS, REQUIRING THE PRODUCTION OF DOCUMENTS FROM A NUMBER OF FOREIGN-BASED OCEAN CARRIER CONFERENCES AND OCEAN CARRIERS.
4. FOREIGN-LOCATED CONFERENCES AND NATIONALITIES ARE THE NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION (UNITED KINGDOM) AND THE CONTINENTAL/NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE (UNITED KINGDOM).
5. FOREIGN OCEAN CARRIERS ARE: ATLANTIC CONTAINER LINE, (G.I.E.); DART CONTAINERLINE COMPANY, LTD.; AND HAPAG-LLOYD, AKTIENGESELLSCHAFT. ATLANTIC CONTAINER LINE, (G.I.E.) IS A CONSORTIUM INCORPORATED IN FRANCE (RECENTLY CHANGED FROM BERMUDA) WITH ITS CENTRAL OFFICES IN SOUTH-HAMPTON, ENGLAND. ITS MEMBER COMPANIES AND THEIR NATIONALITIES ARE: CUNARD (UNITED KINGDOM); HOLLAND-AMERICA LINE (HOLLAND); SWEDISH-AMERICAN LINE (SWEDEN); SWEDISH TRANS-ATLANTIC (SWEDEN); WALLENIOUS (HOLLAND); AND FRENCH LINE (FRANCE). DART CONTAINERLINE COMPANY, LTD. IS ALSO A CON-

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CONSORTIUM INCORPORATED IN BERMUDA WITH ITS CENTRAL OFFICES IN ANTWERP, BELGIUM. ITS MEMBER COMPANIES AND THEIR NATIONALITIES ARE: BRISTOL CITY LINE (UNITED KINGDOM); CLARKE TRAFFIC SERVICES OF MONTREAL (CANADA); AND COMPAGNIE MARITIME BELGE (BELGIUM). HAPAG-LLOYD, AKTIENGESLSCHAFT IS A FEDERAL REPUBLIC OF GERMANY CORPORATION WITH ITS HEADQUARTERS IN HAMBURG. THE FOREIGN CONFERENCES AND CARRIERS EACH HAVE AN AGENT FOR SERVICE OF

PROCESS WITHIN THE UNITED STATES AND EACH IS DOING BUSINESS WITHIN THE UNITED STATES, BUT SOME OF THE DOCUMENTS SUBJECT TO SUBPOENAS MAY BE LOCATED IN FOREIGN COUNTRIES.

6. IN ACCORDANCE WITH OECD RECOMMENDATION OF 1967, ADDRESSEE POSTS ARE REQUESTED TO NOTIFY THE APPROPRIATE AGENCIES OF THEIR RESPECTIVE HOST GOVERNMENTS OF THIS IMPENDING ANTITRUST INVESTIGATION AS IT PERTAINS TO THEIR RESPECTIVE COMPANIES. SINCE THE GRAND JURY SUBPOENAS WILL PROBABLY NOT REACH MANY RECIPIENTS FOR AT LEAST SEVEN TO TEN DAYS, HOST GOVERNMENTS ARE REQUESTED NOT REPEAT NOT TO CONTACT AFFECTED FIRMS BEFORE SUCH TIME. ROBINSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** ANTITRUST, IMPORTS, INVESTIGATIONS, CARGO SHIPS, ALCOHOLIC BEVERAGES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Film Number:** D760307-0832  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760868/aaaachbz.tel  
**Line Count:** 127  
**Locator:** TEXT ON-LINE, ON MICROFILM  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Status:** NATIVE  
**Subject:** ANTITRUST: FOREIGN OCEAN CARRIERS  
**TAGS:** ETRD, GE, BE, UK, SW, NL, FR, OECD  
**To:** BONN BRUSSELS LONDON MULTIPLE  
**Type:** TE  
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